

<b>Notice of Allowability</b>	Applicant No.	Applicant(s)	
	10/734,408	BRANDON ET AL.	
	Examiner	Art Unit	
	Julio C. Gonzalez	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 06/14/04.
2.  The allowed claim(s) is/are 28-30.
3.  The drawings filed on 20 February 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 04/26/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 28-30, drawn to a control method for a drive system, classified in class 322, subclass 28.
  - II. Claims 31-34, drawn to a control method for a traction drive system, classified in class 180, subclass 15.
  - III. Claims 35-38, drawn to a hybrid vehicle device, classified in class 180, subclass 65.2.
2. Applicant's election with traverse of Group I in the reply filed on 06/14/04 is acknowledged. The traversal is on the ground(s) that inventions in groups I and II are capable of being used together. This is not found persuasive because invention I focuses on a controller that takes into consideration the average speed of the two motors, measures the current of the fastest and slowest motor, compares both current's speed and adjust/matches both speeds (claim 28). Moreover, Group II concentrates not on the speed of the currents, but on the speed of the motor (rpm). Both speeds may be used for different purposes and as disclosed in claim 31, the speed of the motors are equalized regardless of loss of traction and to be able to

function within an allowable difference as disclosed in claim 33 or varying such difference as disclosed in claim 34. It is not required by all controllers to operate under such specific conditions and thus, the control method could be applied to different machines.

The requirement is still deemed proper and is therefore made FINAL.

#### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. W. Edward Ramage on June 30, 2004.

The application has been amended as follows:

A) Cancel claims 31-38.

4. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose, in combination with all the limitations of claim 28 that the matching is repeated until the first current and the second current are substantially equal, aligning the average speed of the first and second motor and repeating such process until the average of the two motor speeds are substantially equal to a set point, measuring the current of the two motors, comparing the current of the fastest motor and the slowest motor and returning the matching step if the fastest motor current is lower than the slowest motor current and returning to aligning only if the fastest motor current is higher than the slowest motor current.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

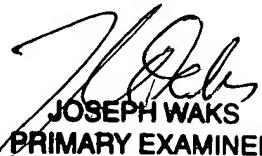
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is 571-272-2024. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jcg



JOSEPH WAKS  
PRIMARY EXAMINER